

**MONTANA PUBLIC SERVICE COMMISSION
UTILITY DIVISION
AGENDA NO. 09-01-13**

Date Published: January 8, 2009
For Work Week Commencing: January 12, 2009
Commission Meeting: January 13, 2009, 9:00 a.m.

General Introduction This agenda is the Commission's Utility Division agenda for the work week designated. In the latter part of each week (generally, Thursday by 2:00 p.m.) prior to the work week to which an agenda pertains, the agenda is posted on the public information bulletin board at the Commission offices, deposited in the mail directed to all persons who have properly requested notice by mail, emailed to all persons who have properly requested notice by email, and posted to the Public Service Commission's worldwide web site located at <http://www.psc.mt.gov>.

Place of Meetings All meetings are held at the Commission offices, 1701 Prospect Avenue, Helena, Montana, unless otherwise noted.

Live webcast Unless otherwise noted on this agenda, all Commission meetings held during regular business hours that are noticed on this agenda will be webcast live via the audio and video feed links on the PSC website (<http://psc.mt.gov/eDocs/#Calendars>). The audio feeds of meetings are also archived at the same website location.

Inquiries General inquiries concerning this Utility Division agenda and subscribing to notice by mail may be made to Kate Whitney at (406) 444-3056. She may refer inquiries to another person within the agency.

Accommodation for Persons with Disabilities Anyone needing an accommodation for physical, hearing, or sight impairment in order to attend a scheduled meeting should contact the Commission secretary at (406) 444-6199 sufficiently prior to the meeting to allow accommodations to be made.

9:00 a.m. Weekly Scheduling (Commission Conference Room – No Web Audio Feed)

9:30 a.m. Business (Bollinger Room)

Public Comments

Action Items All items identified below are for action at the Commission business meeting.

1. Qwest Corporation D97.4.64 (Gary)
Interconnection Agreement Amendment

Qwest Corporation has filed for approval with this Commission a Triennial Review Order (TRO) amendment to the existing interconnection agreement between Qwest and Verizon in Docket No. D97.4.64. The FCC promulgated new rules and regulations pertaining to the availability of unbundled network elements (UNEs) in its October 2, 2003 TRO. Specifically in this amendment, Qwest will no longer be offering unbundled signaling network elements as part of the interconnection agreement. These services will be available to Verizon as other Qwest products and services. This amendment was voluntarily negotiated between the parties. Staff recommends approval of this amendment. Probable Motion: Move to approve the TRO interconnection agreement amendment between Qwest Corporation and Verizon in Docket No. D97.4.64

2. Qwest Corporation D2004.1.13 (Gary)
Interconnection Agreement Amendment - Qwest Corporation/Sprint Communications Company, L.P. - VoIP Amendment.

Qwest has filed for approval with this Commission a Voice over Internet Protocol (VoIP) amendment to the existing interconnection agreement Between the parties in Docket No. D2004.1.13. The amendment adds terms, conditions and rates for the exchange of VoIP traffic. This amendment contains the VoIP language negotiated between Commission staff and Qwest for VoIP amendments.

This amendment was voluntarily negotiated by the parties involved. Staff recommends approval of this amendment. Probable Motion: Move to approve the interconnection agreement amendment between Qwest Corporation and Sprint Communications Company, L.P. in Docket No. D2004.1.3.

3. Qwest Corporation D2001.1.7 (Gary)
Interconnection Agreement Amendment

Qwest Corporation has filed for approval with this Commission a TRO/TRRO amendment to the existing interconnection agreement between Qwest and McLeodUSA Telecommunications Serves, Inc. in Docket No. D2001.1.7. The

FCC, with the guidance of the United States D.C. Court of Appeals, redefined what constitutes an unbundled network element (UNE) under Section 251 of the 1996 Telecommunications Act. Specifically, the FCC issued its Triennial Review Order (TRO) effective October 3, 2003. This was followed by the United States D.C. Court of Appeals USTA II decision on March 2, 2004. Finally, the FCC issued its Triennial Review Remand Order (TRRO) on March 11, 2005. The effect of these orders and decision was to remove a number of UNES from the list of UNEs required to be offered to competitive local exchange carriers (CLECs). This amendment lists approximately 30 UNEs which Qwest and Granite have agreed are no longer required to be offered under Section 251. The amendment was voluntarily negotiated by the parties.

Staff recommends approval of this amendment. Probable Motion: Move to approve the TRO/TRRO interconnection agreement amendment between Qwest Corporation and McLeodUSA Telecommunications Services, Inc. in Docket No. D2001.1.7.

4. Qwest Corporation D2008.6.64 (Gary)
Qwest Corporation/XO Communications Services, Inc. - Interconnection Agreement Amendment

Qwest Corporation filed for approval by the Commission a "Collocation Bay Procurement" amendment between the parties in Docket No. D2008.6.64. This amendment adds terms and conditions for Qwest to procure and install collocation bay infrastructure for XO.

This amendment was voluntarily negotiated by the parties involved. Staff recommends approval of this amendment. Probable Motion: Move to approve the interconnection agreement amendment between Qwest Corporation and XO Communications Services, Inc. in Docket No. D2008.6.64.

Work Sessions All items identified below are for Commission discussion or action on the day designated.

1. D2008.1.3 – Qwest/Ronan/Hot Springs – (Referral from U.S. District Court) – Ronan/Hot Springs Motion in Limine (seeking a Commission ruling that some 27 contracts sought by Qwest are not relevant, nor admissible at January 15 hearing). (1/13/09)
2. D2008.5.44 – NorthWestern Energy – Annual Application for Approval of Monthly Gas Cost Tracker True-up – Consider and act on Motion for Protective Order. (1/13/09)

3. N2008.12.138 – NorthWestern Energy – Natural Gas Biennial Procurement Plan – Consider and act on Motion for Protective Order. (1/13/09)
4. Out of state staff travel – Obtain approval of out of state staff travel request for Phil Cooke to attend the annual meeting of the NARUC Consumer Affairs Subcommittee which will be held in conjunction with the NARUC Winter Meeting in Washington DC, February 15-18. (1/13/09)
5. Legislative – Discuss bills relevant to PSC mission, statutory authority, administrative process and general agency concerns; consider staff analysis and recommendations; provide direction on PSC response to bills. (1/13/09)
6. **1/12/09, 1/14/09, 1/15/09, 1/16/09, at 8:30 a.m.** – Legislative - Discuss bills relevant to PSC mission, statutory authority, administrative process and general agency concerns; consider staff analysis and recommendations; provide direction on PSC response to bills. (1/12/09, 1/14/09, 1/15/09, 1/16/09) (Commission Conference Room - Live web audio feed – not archived)

Other Meetings

Weekly Scheduling, Review of Monthly Calendars, and Docket Status Updates (if requested by a Commissioner).

Notice Items All items identified below are noticed for public participation purposes. Unless otherwise stated in the text of the notice, the items will be action items on the next following agenda or a subsequent agenda and participation may be had by submitting written comments to the Public Service Commission, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana, 59620-2601, within 5 calendar days following publication of this agenda. Public comments on a noticed matter may also be submitted within the required time through the PSC's web-based comment form at <http://psc.mt.gov/Consumers/comments>. Comments should reference the docket number of the matter.

Protective Orders – Notice Items The Commission has received the following requests for protective order pursuant to ARM 38.2.5007. The Commission will rule on the requests no earlier than 10 days after the publication date of this agenda. Comments on the requests may be submitted at any time prior to ruling. Any person wanting a copy of a protective order request should contact the Commission at (406) 444-6199.

Protective Orders – Information Items The Commission has issued the following protective orders. These orders may be challenged pursuant to ARM 38.2.5008. Copies of these orders may be obtained by calling the Commission at (406) 444-6199.

Information Items All items identified below are for information only.

New Filings Received in Past Week

D2008.12.146 – NorthWestern Energy – Application for Avoided Cost Tariff for New Qualifying Facilities